

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

DOROTEO MIKE HERNANDEZ,)	
)	
Claimant,)	IC 04-519582
)	
v.)	
)	
TRIPLE ELL TRANSPORT, INC.,)	
)	
Employer,)	
)	ORDER
and)	
)	
STATE INSURANCE FUND,)	
)	September 15, 2006
Surety,)	
)	
and)	
)	
LIBERTY NORTHWEST)	
INSURANCE CORPORATION,)	
)	
Surety,)	
)	
Defendants.)	
_____)	

Pursuant to Idaho Code § 72-717, Referee Lora Rainey Breen submitted the record in the above-entitled matter, together with her proposed findings of fact and conclusions of law to the members of the Idaho Industrial Commission for their review. Each of the undersigned Commissioners has reviewed the record and the recommendations of the Referee. The Commission concurs with these recommendations. Therefore, the Commission approves, confirms, and adopts the Referee's proposed findings of fact and conclusions of law as its own.

Based upon the foregoing reasons, IT IS HEREBY ORDERED That:

1. Claimant was an independent contractor on the date alleged in the Complaint.

2. Claimant is excluded from coverage under the Liberty Northwest Insurance policy.

3. The issue related to the validity of the Liberty Northwest Insurance policy is moot.

4. Pursuant to Idaho Code § 72-718, this decision is final and conclusive as to all issues adjudicated.

DATED this __15__ day of __September_____, 2006.

INDUSTRIAL COMMISSION

_____/s/_____
Thomas E. Limbaugh, Chairman

_____/s/_____
James F. Kile, Commissioner

_____/s/_____
R. D. Maynard, Commissioner

ATTEST:

_____/s/_____
Assistant Commission Secretary

CERTIFICATE OF SERVICE

I hereby certify that on the __15__ day of __September_____, 2006, a true and correct copy of the foregoing **Order** was served by regular United States Mail upon each of the following persons:

KENT D JENSEN
P O BOX 276
BURLEY ID 83318

M JAY MEYERS
P O BOX 4747
POCATELLO ID 83205

MONTE R WHITTIER
LAW OFFICES OF HARMON, WHITTIER & DAY
P O BOX 7507
BOISE ID 83707

jkc

_____/s/_____